

OFFICE OF THE DIRECTOR

DEPARTMENT OF MOTOR VEHICLES

P.O. BOX 932328

SACRAMENTO, CA 94232-3280

**TITLE 13: DEPARTMENT OF MOTOR VEHICLES****NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (the department) proposes to adopt Sections 230.00, 230.05, 230.10, 230.15, 230.20, 230.25, and 230.30 in Chapter 1, Division 1, Article 3.7 of Title 13, California Code of Regulations, Lien Sales.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M., SEPTEMBER 6, 2004, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 22851, 22851.3, 22851.4, 22851.8, 22851.10, and 22851.12, and Civil Code section 3072 pertaining to the disposal of vehicles low-valued vehicles.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 22669 authorizes public agencies to remove vehicles that have been abandoned on the highways. This Vehicle Code Section allows immediate removal of a vehicle from the highway by a peace officer or designed employee of the state, county, or city if a vehicle is parked or resting on any highway or public right-of-way and lacks an engine, transmission, wheels, doors, windshield, or any other equipment necessary to operate the vehicle safely on the highways.

The intent of these regulations is to provide the necessary steps to process lien sales on low-valued vehicles that have been abandoned or removed by a public agency. These regulations will assist the lienholder and their agents in processing lien sales on low-valued vehicles determined to be unsafe for the highway that will be sold to a licensed dismantler or scrap iron processor.

§230.00 Definition of Interested Party. Section 230.00 will establish the definition of an interested party and authorized representative for the purpose of conducting lien sales.

§230.05 Notification of Intended Disposal of Vehicle Valued at \$300 or Less which was Removed by a Public Agency for Reasons Other than Abandonment. Section 230.05 will establish the procedure to follow when disposing of vehicles valued at \$300 or less.

§230.10 Opportunity to Oppose Disposal of Vehicle Valued at \$300 or Less. Section 230.10 will establish the procedure the registered owner, lien holder, or interested party must follow in order to oppose the sale.

§230.15 Statement of Facts Regarding Disposal of Nonabandoned Vehicles Valued at \$300 or Less. Section 230.15 will establish the form to be used and the content of the documents the lienholder must complete and deliver to the dismantler or scrap iron processor.

§230.20 Notice of Intent to Dispose of Abandoned Vehicle Valued at \$500 or Less which was Removed by a Public Agency. Section 230.20 will establish the form which will be used to notify all interested parties of the pending disposal of the vehicle.

§230.25 Disposal of Abandoned Vehicles Valued at \$500 or Less to Dismantler or Scrap Iron Processor. Section 230.25 will establish the form to be used for this purpose and to clarify statute.

§230.30 Continuation of Lien Sale Process Following Inability to Effect Service of Court Action. Section 230.30 will establish the procedures necessary to continue a lien sale process if there is a failure to notify the registered owner and/or interested party(ies).

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This regulatory action proposed by the department provides lienholders with the procedures to follow when conducting lien sales on vehicles low-valued vehicles. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation is not expected to create or eliminate jobs or businesses in the state of California or reduce or expand businesses currently doing business in the state of California.

- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses. The proposed regulation is only placing into regulations the forms and procedures required when conducting lien sales on low-valued vehicles.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Bonnie DeWatney, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8954, or bdewatney@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeouts to indicate deletions from the California Code of Regulations. The contact person identified in this notice shall also make available to the public, upon request, the final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov. Other Services, Legal Affairs Division, Regulatory Actions Web Page.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full, modified text with changes clearly indicated would be made available to the public for at least 15 days prior to the date on which the department

adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.